

Appl. No. 10/725,595  
Response dated: August 9, 2006  
Reply to Office action of May 9, 2006

### **REMARKS**

Claims 2-6 and 8-25 pending in the present application. The Examiner acknowledges Applicant's response of February 22, 2006, and entry thereof. Claims 2-6 and 33-35 are rejected, while claims 8-32 are withdrawn. Claims 5 and 6 have been amended, leaving claims 2-6 and 33-35 for consideration upon entry of the present amendment. No new matter was introduced by this amendment. Applicant respectfully requests consideration and allowance of the claims.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 2-6 and 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiyama et al. (U.S. Patent Application No. 2002/0140888) in view of Jones et al. (U.S. Patent No. 6,124,907) and further in view of Gunning, III et al. (U.S. Patent No. 5,638,197) for the reasons stated on pages 3-6 of the Office Action. Applicants respectfully traverse for at least the reasons stated below.

Although the Examiner alleges that the combination of Nishiyama et al., Jones et al. and Gunning, III et al., read as broadly as permissible, reads on claims 2-6 and 33-35 it is respectfully submitted that claims independent 5 and 6 clearly define structure which is not taught or suggested in either of the references of record, either alone or in combination.

FIG. 1 of Nishiyama et al., relied upon by the Examiner, disclose a retardation film disposed between an alignment film (117) and a transparent electrode (115). Nishiyama et al. do not teach or suggest a retardation film directly on the color filter layer, as in amended claim 5. Further, Nishiyama et al. do not teach or suggest a protection layer disposed directly on the color filter layer and a retardation film directly on the protection layer, as in amended claim 6.

The Examiner alleges on pages 3 and 5 of the Office Action that Jones et al. disclose in Column 9, lines 62 and FIG. 1 a liquid crystal display apparatus comprising a

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retardation layer (element 17) having a function of a biaxial film interposed between the first and second transparent substrate.

It is respectfully noted that Jones et al. disclose a polarizer (17) intermediate an alignment layer (13) and a pixel electrode (15), while Gunning, III et al. disclose an O-plate intermediate a polarizer layer (300) and an analyzer layer (305) in claim 7 and FIG. 3. In particular, FIG. 3 of Gunning, III et al. disclose a compensator layer intermediate the polarizer (300) and glass plate (340) and intermediate the analyzer (305) and another glass plate (345). Neither Jones et al., nor Gunning et al. teach or suggest, either alone or in combination, a retardation layer compensating phase difference of light that passes through the liquid crystal layer.

It is respectfully submitted that a "polarizer" is not a "retardation layer" as claimed in amended claims 5 and 6. Those skilled in the art recognize that a "polarizer" is an optical component that is used to convert randomly polarized (unpolarized) light into a polarized one. Here, only light that is polarized in one specific orientation is transmitted by the polarizing component (e.g., polarizer) and light polarized in the opposite (perpendicular) sense is absorbed. In other words, a polarizer allows only the passage of light waves that are vibrating in a particular plane. A polarizer does not compensate phase difference of light. Whereas the retardation film of the present invention applies different phases to the ordinary light and the extraordinary light. (Page 1, lines 23 and 24 of the specification as originally filed).

Neither Nishiyama et al., Jones et al. nor Gunning, III et al., either alone or in combination, disclose a color filter layer disposed on the second transparent substrate, wherein the retardation layer is disposed directly on the color filter layer, as recited in claim 5, nor a color filter layer disposed on the second transparent substrate; and a protection layer disposed directly on the color filter layer, wherein the retardation layer is disposed directly on the protection layer, as in recited claim 6. Moreover, neither Nishiyama et al., Jones et al. nor Gunning, III et al., either alone or in combination, disclose a retardation layer having a function of a biaxial film interposed between the

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first and second transparent substrates and compensating phase difference of light that passes through the liquid crystal layer, as in both amended claims 5 and 6.

Thus, it is respectfully submitted that independent claims 5 and 6, including claims depending therefrom, i.e., claims 2-4 and 33-35, respectively, are patentable over Nishiyama et al. in view of Jones et al. and in further view of Gunning, III et al.

Accordingly, it is respectfully requested that the rejection to claims 1-7 under § 103(a) be withdrawn.

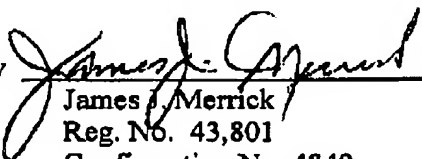
### Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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